



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
-vs-)
RUSSELL PAUL NICHOLLS,)
Defendant.)
Criminal No. C2-04-109
**FINAL ORDER OF
FORFEITURE**

WHEREAS, on April 5, 2005, this Court entered a Preliminary Order of Forfeiture pursuant to the provisions of 18 U.S.C. § 2253;

AND WHEREAS, on May 12, 2005; May 193, 2005; and May 26, 2005, the United States published in the Grand Forks Herald, a newspaper of general circulation, notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property; and,

WHEREAS, notice was served upon Lena Jo Nicholls by certified mail; and,

WHEREAS, on May 31, 2005, Lena Jo Nicholls filed with this Court a petition in this action claiming an ownership interest; and,

WHEREAS, pursuant to Fed. R. Crim. P. 32.2(c)(1)(B) the United States conducted discovery as requested and granted by this Court on August 4, 2005. On August 11, 2005, the United States served Interrogatories and Request for Production of

Documents to Petitioner Lena Jo Nicholls. On November 1, 2005, the United States sent Ms. Nicholls a follow-up letter, and to this date, the United States has had no response to our Interrogatories and Request for Production of Documents; and,

WHEREAS, it appears from the record that Ms. Nicholls no longer wishes to pursue her claim, and no other claims, contested or otherwise, have been filed for the property described in the Court's Order of Forfeiture.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the right, title, and interest to all of the hereinafter described property of the defendant is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. That the following property belonging to RUSSELL PAUL NICHOLLS who is the subject of this Order, is hereby forfeited to the United States of America:

1. Two computer hard drives;
2. Six compact disks;
3. Forty-three floppy disks; and
4. One digital camera

3. That any and all forfeited property is to be held by the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, and should be disposed of by said agency according to law.

The Clerk is hereby directed to send certified copies of this Order to all counsel of record and to the Bureau of Immigration and Customs Enforcement, Attn: Carol Beecher, Seized Property Specialist, 10980 I-29, Pembina, ND 58271.

SO ORDERED this 15th day of ^{Feb.} January, 2006.



RALPH R. ERICKSON, Judge
United States District Court